

RULESNEWS

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LEGISLATION WHICH AFFECTS THE RULEMAKING PROCESS

As of 3/1/2002, one bill and one resolution have been filed that affect administrative rules in general.

S.B. 170 "Reauthorization of Administrative Rules" by Sen. Howard Stephenson (R)

This is the Administrative Rules Review Committee's annual bill which is required by Section 63-46a-11.5.

In the bill text made available 2/28/2002, only Subsection R501-12-6(B)(2)(d), from Human Services, Administration, Administrative Services, Licensing dealing with "Foster Parent Requirements," and Rule R595-1 from the Judicial Conduct Commission, dealing with its "Rules of Procedure", from the administrative code are not reauthorized.

In a significant departure from years past, this bill also proposes to not reauthorize POLICIES from Dixie State College, Snow College, Southern Utah University, the University of Utah, Utah State University, Utah Valley State College, and Weber State University that deal with the issue of weapons.

S.B. 170 received a favorable recommendation from the Senate Rules Committee on 3/1/2002. S.B. 170 anticipates an effective date of 5/1/2002.

H.J.R. 26 "Resolution Promoting Cooperative Regulatory Environment and Economic Development in Utah" by Rep. Chad Bennion (R)

This resolution "urges the state's regulatory agencies and the Utah business community to work together to develop regulatory

strategies that enhance the balance between the need for regulatory protections and the economic needs and challenges faced by the business community."

H.J.R. 26 passed the House on 3/1/2002.

Additional Information

Up-to-date information about legislation related to rulemaking is available on the Internet at <http://www.rules.utah.gov/law/legis.htm>. Additional information about the 2002 General Session and specific legislation is available from the Legislature's Office of Legislative Research and General Counsel at <http://www.le.state.ut.us/~2002/2002.htm>. The Legislature's home page can be found at <http://www.le.state.ut.us/>.

Questions about this legislation may be directed to Ken Hansen at 801-538-3777, or at khansen@utah.gov.

eRules LISTSERV

The Division of Administrative Rules (Division), with assistance from the Division of Information Technology Services, has initiated an E-mail ListServ for **eRules**. In essence, you subscribe by providing your E-mail address. Then, we notify you of issues affecting the system, and of news related to **eRules**.

Using the **eRules** ListServ is easy—

- ▶ Any rulewriter with an Internet E-mail address may subscribe to, or join, the **eRules** ListServ by sending a blank message to: join-erules@list.state.ut.us
- ▶ Subscribers may cancel their own subscription, or unsubscribe, from the **eRules** ListServ by sending a blank message to the address indicated at the end of each message sent from the ListServ.
- ▶ Subscribers may manage their account by visiting: <http://list.state.ut.us/shellcgi/lyris.pl?enter=erules> and following the directions on the screen.

If you have questions about the **eRules** ListServ, please contact Ken Hansen (khansen@utah.gov or 801-538-3777).

RULES TO REVIEW IN 2002

Section 63-46a-9 requires each agency to review its rules within five years of each rule's original enactment or last five-year review, and then within five-year intervals. To comply with the review requirement, the agency must submit a FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION for each of its rules listed below. Otherwise, the rules will expire. Reviews may be filed ANY TIME prior to the deadline.

With the advent of **eRules**, when a FIVE-YEAR NOTICE OF REVIEW AND STATEMENT OF CONTINUATION is filed, the text of the rule must be attached. Please contact Mike Broschinsky (801-538-3003 or mbroschi@das.state.ut.us) if you need to obtain a current version of your rule.

The Division sends quarterly E-mail notices to agencies of rules due for review. As advance notice, a list of the 680 rules due for review during the remainder of 2002 is included below.

Administrative Services

R13. Administration.

R13-2. 06/03/02

R21. Debt Collection.

R21-1. 07/22/02; R21-2. 07/22/02; R21-3. 07/22/02

R23. Facilities Construction and Management.

R23-1. 07/01/02; R23-19. 06/16/02

R25. Finance.

R25-14. 09/15/02

R27. Fleet Operations.

R27-10. 12/02/02

RULESNEWS is published periodically for state rulewriting agencies by the Department of Administrative Services, Division of Administrative Rules. Kenneth A. Hansen, Director. Direct comments to: Division of Administrative Rules, PO Box 141007, Salt Lake City, UT 84114-1007; Phone: 801-538-3764; FAX: 801-538-1773; E-mail: rulesonline@state.ut.us

R28. Fleet Operations, Surplus Property.
R28-1. 03/19/02; R28-7. 12/02/02

R29. Information Technology Services.
R29-2. 12/15/02

R33. Purchasing and General Services.
R33-1. 12/30/02; R33-2. 12/30/02; R33-3.
12/30/02; R33-4. 12/30/02; R33-5.
12/08/02; R33-8. 12/08/02

R37. Risk Management.
R37-1. 07/22/02; R37-2. 07/22/02; R37-3.
07/22/02

Agriculture and Food

R70. Regulatory Services.
R70-530. 10/16/02

Attorney General

R105. Administration.
R105-2. 06/20/02

Auditor

R123. Administration.
R123-3. 12/31/02; R123-4. 12/31/02;
R123-5. 12/31/02

Commerce

R151. Administration.
R151-2. 05/01/02; R151-3. 09/05/02;
R151-33. 11/04/02

R152. Consumer Protection.
R152-6. 11/25/02; R152-11. 09/11/02;
R152-15. 11/25/02; R152-20. 09/11/02;
R152-22. 11/25/02; R152-26. 09/11/02

R154. Corporations and Commercial Code.
R154-1. 12/01/02; R154-10. 11/04/02

R156. Occupational and Professional Li-
censing.

R156-1. 06/02/02; R156-11a. 08/15/02;
R156-16a. 09/02/02; R156-24a. 05/12/02;
R156-26a. 05/12/02; R156-28. 05/12/02;
R156-37. 05/29/02; R156-41. 05/12/02;
R156-54. 05/12/02; R156-56. 06/03/02;
R156-64. 08/15/02; R156-70A. 06/23/02;
R156-72. 05/12/02; R156-78A. 09/16/02

R162. Real Estate.
R162-1. 07/01/02; R162-2. 07/01/02;
R162-3. 07/01/02; R162-4. 07/01/02;
R162-5. 07/01/02; R162-6. 07/01/02;
R162-7. 07/01/02; R162-8. 07/01/02;
R162-9. 10/21/02; R162-101. 09/12/02;
R162-102. 05/16/02; R162-103. 10/21/02;
R162-104. 04/01/02; R162-106. 04/01/02;
R162-109. 09/12/02

R164. Securities.

R164-1. 12/29/02; R164-4. 12/29/02;
R164-5. 12/29/02; R164-6. 12/29/02;
R164-9. 12/29/02; R164-10. 12/29/02;
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R164-25. 11/13/02; R164-26. 11/13/02

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R182-1. 03/04/02

R199. Community Development.
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R202-206. 03/07/02; R202-208. 03/07/02

R203. Community Development, Energy
Services.

R203-1. 12/30/02; R203-3. 12/30/02;
R203-4. 12/30/02; R203-5. 12/30/02

R212. Community Development, History.
R212-1. 12/31/02

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R277-703. 09/12/02; R277-713. 09/12/02;
R277-720. 09/12/02; R277-723. 04/15/02;
R277-733. 10/20/02; R277-742. 09/04/02;
R277-750. 09/12/02; R277-911. 09/12/02;
R277-915. 03/10/02

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R305-1. 07/09/02

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R444. Epidemiology and Laboratory Services, Laboratory Improvement.
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R671-303. 12/12/02; R671-304. 12/12/02;
R671-305. 07/01/02; R671-307. 12/12/02;
R671-308. 12/12/02; R671-309. 12/12/02;
R671-310. 12/12/02; R671-311. 12/12/02;
R671-315. 12/12/02; R671-316. 12/12/02;
R671-317. 12/12/02; R671-402. 12/12/02;
R671-405. 12/12/02

Public Safety

R708. Driver License.
R708-2. 12/03/02; R708-3. 08/05/02;
R708-7. 12/03/02; R708-8. 12/03/02;
R708-14. 08/05/02; R708-21. 12/02/02;
R708-25. 12/03/02; R708-27. 12/03/02;
R708-34. 07/11/02; R708-35. 10/06/02

R710. Fire Marshal.
R710-1. 06/19/02; R710-2. 06/19/02;
R710-3. 06/19/02; R710-4. 06/19/02;
R710-7. 06/19/02; R710-8. 05/01/02;
R710-9. 06/19/02

R714. Highway Patrol.
R714-158. 12/22/02; R714-200. 12/22/02;
R714-210. 12/22/02; R714-220. 12/22/02;
R714-230. 12/22/02; R714-240. 12/22/02;
R714-333. 12/22/02; R714-550. 12/17/02

R722. Criminal Investigations and Technical Serves, Criminal Identification.

R722-300. 12/02/02; R722-340. 12/02/02

R728. Peace Officer Standards and Training.
R728-101. 10/06/02; R728-401. 10/06/02;
R728-402. 10/06/02; R728-403. 10/06/02;
R728-404. 10/06/02; R728-405. 05/13/02 (extension); R728-406. 10/06/02; R728-407. 10/06/02; R728-409. 10/06/02;
R728-410. 10/06/02; R728-500. 10/06/02

Public Service Commission

R746. Administration.
R746-1. 12/08/02; R746-101. 12/08/02;
R746-200. 12/08/02; R746-310. 12/08/02;
R746-320. 12/08/02; R746-343. 12/17/02;
R746-346. 12/29/02; R746-349. 03/26/02;
R746-351. 04/14/02; R746-356. 12/30/02

Regents (Board Of)

R765. Administration.
R765-171. 12/03/02; R765-660. 12/03/02

R767. College of Eastern Utah.
R767-1. 07/29/02

R810. University of Utah, Parking and Transportation Services.
R810-1. 12/12/02; R810-3. 12/12/02;
R810-4. 12/12/02; R810-5. 05/01/02;
R810-6. 03/28/02; R810-7. 12/12/02;
R810-8. 12/12/02; R810-9. 03/28/02;
R810-10. 03/28/02; R810-11. 03/28/02

School and Institutional Trust Lands

R850. Administration.
R850-1. 06/30/02; R850-2. 06/30/02;
R850-3. 06/30/02; R850-4. 06/30/02;
R850-5. 06/30/02; R850-6. 06/30/02;
R850-11. 05/02/02; R850-20. 06/30/02;
R850-30. 06/30/02; R850-40. 06/30/02;
R850-50. 06/30/02; R850-60. 06/30/02;
R850-70. 12/11/02; R850-80. 06/30/02;
R850-83. 11/12/02; R850-100. 08/18/02;
R850-130. 10/03/02

Tax Commission

R861. Administration.
R861-1A. 05/20/02

R865. Auditing.
R865-3C. 09/26/02; R865-4D. 03/21/02;
R865-6F. 04/10/02; R865-9I. 05/22/02;
R865-11Q. 07/03/02; R865-12L. 05/22/02;
R865-13G. 04/21/02; R865-14W. 03/21/02; R865-15O. 09/26/02; R865-19S. 05/22/02; R865-20T. 05/22/02; R865-25X. 11/05/02

R873. Motor Vehicle.

R873-22M. 05/08/02

R877. Motor Vehicle Enforcement.
R877-23V. 05/22/02

R884. Property Tax.
R884-24P. 05/08/02

Transportation

R909. Motor Carrier.
R909-1. 03/31/02; R909-75. 04/22/02

R912. Motor Carrier, Ports of Entry.
R912-3. 06/27/02; R912-76. 09/29/02

R914. Operations, Aeronautics.
R914-1. 12/10/02; R914-2. 12/10/02

R918. Operations, Maintenance.
R918-2. 06/26/02; R918-3. 12/17/02

R920. Operations, Traffic and Safety.
R920-1. 12/18/02; R920-2. 12/24/02;
R920-3. 12/24/02; R920-4. 12/18/02;
R920-5. 12/24/02; R920-6. 12/24/02;
R920-50. 12/24/02; R920-51. 12/24/02

Treasurer

R966. Unclaimed Property.
R966-1. 12/31/02

Workforce Services

R982. Administration.
R982-101. 07/01/02; R982-201. 07/01/02;
R982-301. 07/21/02; R982-601. 07/01/02

R994. Workforce Information and Payment Services.

R994-102. 05/29/02; R994-103. 05/29/02;
R994-104. 05/29/02; R994-106. 05/29/02;
R994-303. 05/29/02; R994-401. 05/29/02;
R994-402. 05/29/02; R994-403. 07/01/02;
R994-404. 05/29/02; R994-405. 07/01/02;
R994-406. 05/29/02

***eRules* TIPS AND TRICKS**

As you use the system, if you have questions, please do not hesitate to contact Mike Broschinsky at 801-538-3003 or at mbroschi@das.state.ut.us.

System Access

Rulewriters may now access *eRules* directly from the following link:

[http://filings.rules.state.ut.us/
MainRuleFilingPage.asp](http://filings.rules.state.ut.us/MainRuleFilingPage.asp)

Rulewriters from the Board of Regents, Colleges and Universities, and quasi-state agencies MUST use this link to use *eRules*.

Save Often

At the bottom of each form is a button called "Save as Draft". Click this button frequently as you edit a rule. Clicking this button writes the information you have entered on the screen to the database.

Do NOT Use the "Back" Button

When you are in *eRules*, do NOT use your browser's "back" button. Use the links or buttons on the screen to navigate. Like many other on-line applications, using the back button can confuse *eRules* and may corrupt your rule filing.

Use the Links on the Left Navigation Menu

eRules is set up with a series of links on the left navigation menu. These links will open new forms, retrieve your list of rules, or return you to Innerweb.

Source for Rule Text

Remember that NONE OF THE INTERNAL FORMATTING REQUIREMENTS FOR RULE TEXT HAVE CHANGED. When you are amending, repealing, or reviewing rules, it is best if you obtain the base rule text directly from the Division. This text is already in proper format.

The Division cannot accept rule text that is obtained from Utah Law on Disc, from the Internet, or other sources unless it has been reformatted. Using these texts as your base may delay publication of your rule while you correct formatting problems. Currency is also an issue with the text obtained from other sources. To obtain a copy of the rule text from the Division, contact Mike Broschinsky (801-538-3003 or at mbroschi@das.state.ut.us). If you have questions about text formatting, contact Nancy Lancaster (801-538-3218 or nlancast@das.state.ut.us).

Text File Format

eRules requires that rule text be submitted in Rich Text Format (RTF). RTF can be prepared using Word or WordPerfect. From either program, go to the "File" menu and select the "Save As..." option. In WordPerfect, set the "File type" format to "Rich Text Format (RTF)". In Word, set the "Save as type" to "Rich Text Format (*.rtf)".

Provide Complete Answers to Rule Form Questions

When answering questions on a rule form, provide complete answers that can stand

alone. Do NOT cross reference other boxes on the form (e.g., "see box 7"). Box numbers are not published in the Bulletin. In addition, the information from some boxes is not printed in some rules publications.

Formatting Text on a Form

Do not attempt to format answers to questions on the rule forms. Formatting codes, like boldface, italics, all caps, publishing quotes, tabs or hard returns, create problems when rules are published.

File for the Correct Agency

If you file for multiple agencies, make certain that the agency name reflected under box 1, "Department / Agency", represents the agency for which you are filing.

Address Corrections

If information in box 1 on the rule forms (address, phone number, fax number, etc.) is incorrect, please send an E-mail message with the correct information to Nancy Lancaster (nlancast@das.state.ut.us).

Changes in Proposed Rules

If you are filing a Change in Proposed Rule (Rule Change), put the original DAR number in Box 3. This number may be obtained from the *eRules* screen for your agency.

Indexing Information

The information entered in the "Indexing information - keywords" box should match the keywords at the end of the rule text. If you have added or changed keywords in the text, put those terms in. Also, do not follow a keyword with an asterisk. The asterisk is no longer necessary.

Title of Rule or Section (Catchline)

If you are changing your title or section catchline, use the old title on the form. The new one is not effective yet!

Public Notices

Public notices, information about additional public hearings, or committee or commission meetings schedules can be filed using the "Public Notice" form.

Five-Year Review and Rule Text

The Division now requires agencies to attach existing rule text to the FIVE-YEAR NOTICES OF REVIEW AND STATEMENTS OF CONTINUATION. This text may not contain any underlining or strike-out. By attaching the text of a rule to a five-year review, the Division is

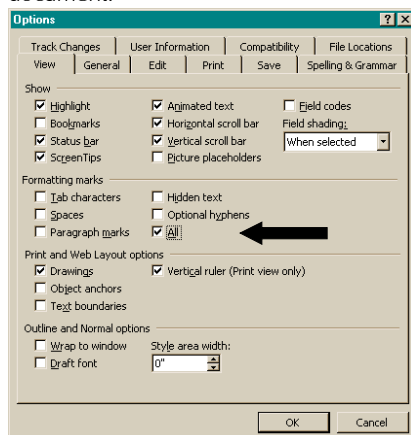
able to compare its version of the rule with your version of the rule and audit the integrity of the rule.

USING MICROSOFT WORD TO PREPARE RULE TEXT: AN UPDATE

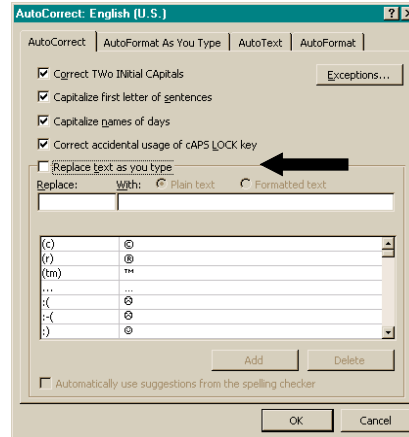
The Division has NOT altered the text formatting requirements for administrative rules. Agencies may not use styles, or automatically-generated numbered lists in the preparation of rules. Using these features will result in text, formatting, or both being lost or altered.

In order to use Word to prepare rule text, the Division STRONGLY SUGGESTS that you follow these steps to make changes to the default Word settings:

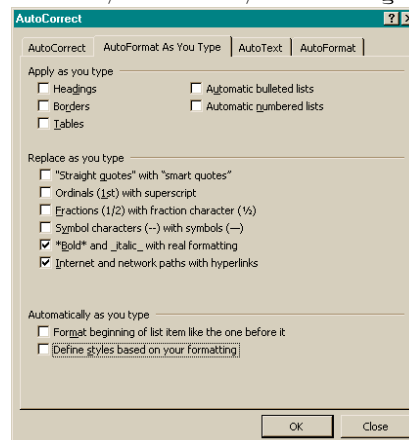
1. Open Word.
2. Set Word to allow you to view all formatting marks. To do this, go to the "Tools" menu, select "Options". From the "View" tab, check the box next to "All" under the "Formatting marks" section. Click the "OK" button. This will allow you to see spaces and some of the formatting features in the document.



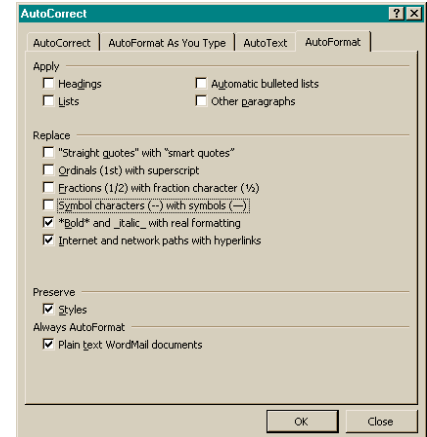
3. From the "Tools" menu, select "AutoCorrect".
4. From the "AutoCorrect" tab, UNCHECK the following option: "Replace text as you type". Alternatively, you may scroll down the list and delete the entries for: "(r)", "(c)", "(tm)", and "...". These symbols are not permitted in rules. Word usually inserts them in places you never intended, like replacing a paragraph designation.



5. From the "AutoFormat as you Type" tab, UNCHECK the following options under the "Apply as you type" section: "Headings", "Borders", "Tables", "Automatic bulleted lists", and "Automatic numbered lists". Under the "Replace as you type" section, UNCHECK the following options: "Straight quotes with smart quotes", "Ordinals (1st) with superscript", "Fractions with fraction character", and "Symbol characters with symbols". Under the "Automatically as you type" section, UNCHECK "Format beginning of list item like the one before it", and "Define styles based on your formatting".



6. From the "AutoFormat" tab, UNCHECK the following options under the "Apply" section: "Headings", "Lists", "Automatic bulleted lists", and "Other paragraphs". Under the "Replace" section, UNCHECK the following options: "Straight quotes with smart quotes", "Ordinals (1st) with superscript", "Fractions with fraction character", and "Symbol characters with symbols".



7. Click the "OK" button.

8. From the "View" menu, select "Toolbars". Select the "Reviewing" Toolbar. It may appear as a floating toolbar or it may be attached to another toolbar at the top of your document.

Verify that the "Tracking Changes" button is NOT selected.



"Tracking Changes" is the redlining feature in Word. It inserts codes into a document that cannot be read by all word processors.

These steps will help minimize the number of special codes Word will insert into your document. If you have questions about these changes, contact Ken Hansen at 801-538-3777 or Mike Broschinsky at 801-538-3003.

RULE TEXT FORMAT

Here are a few things to remember when you are preparing rule text:

- ▶ Do NOT remove or change the "Notice of Continuation" at the end of the rule text.
- ▶ Do NOT use headers or footers in the text.
- ▶ Do NOT use page numbers.
- ▶ Do NOT use the automatic outline generation feature in your word processor.

DIRECTIONS PLEASE: If someone else in your agency should receive RULESNEWS, please let us know. If you would prefer to receive RULESNEWS by E-mail, please contact Nancy Lancaster (801-538-3218).